

Kelly D. Sutherland, OSB #87357
ksutherland@logs.com
SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Telephone: (360) 260-2253
Facsimile: (360) 260-2285
Attorneys for Shapiro & Sutherland, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DENISE and KENNETH COOK,

Plaintiffs,

vs.

BENEFICIAL OREGON, INC. and
SHAPIRO & SUTHERLAND, LLC

Defendants.

Case No. 10-cv-3121-PA

DECLARATION OF RICHARD
MAGATELLI IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

I, Richard Magatelli, am an Oregon resident, over the age of 18, and a party to this action, and under penalty of perjury, state as follows:

1. I was retained to appear as agent for the Successor Trustee, Kelly D. Sutherland for the Trustee's Sale with respect to that trust deed made by Kenneth L. Cook and Denise M. Cook, as grantor to Regional Trustee Services, as trustee, in favor of Beneficial Oregon Inc., as beneficiary, dated March 8, 2007, recorded March 12, 2007, in the mortgage records of Josephine County, Oregon, as Instrument No. 2007-004995. The Trustee's Sale was originally scheduled to be held at the hour of 11:00 AM PT, in accordance with the standard time established by ORS 187.110 on December 2, 2010, at the following place: at the main

entrance of the Josephine County Courthouse, located at 500 N.W. 6th Street, in the City of

DECLARATION OF RICHARD MAGATELLI IN
SUPPORT OF DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT -1

SHAPIRO & SUTHERLAND, LLC
KELLY D. SUTHERLAND

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Facsimile (360) 260-285
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1 Grants Pass, County of Josephine, State of Oregon. On December 2, 2010, I personally
 2 appeared and announced, as agent for the Successor Trustee, Kelly D. Sutherland, by public
 3 proclamation that the Trustee's Sale was continued to December 17, 2010 at 11:00 AM at the
 4 same location. A true copy of the Postponement of Trustee's Sale is attached as Exhibit "A"
 5 and by this reference incorporated herein.
 6

7 2. On December 17, 2010 at 11:00 AM, I personally appeared and announced, as
 8 agent for the Successor Trustee, Kelly D. Sutherland, by public proclamation that Trustee's
 9 Sale was scheduled to be held at the hour of 11:00 AM PT, in accordance with the standard
 10 time established by ORS 187.110 on December 17, 2010, at the following place: at the main
 11 entrance of the Josephine County Courthouse, located at 500 N.W. 6th Street, in the City of
 12 Grants Pass, County of Josephine, State of Oregon as continued to January 5, 2011 at 11:00
 13 AM at the same location. A true copy of the Postponement of Trustee's Sale is attached as
 14 Exhibit "B" and by this reference incorporated herein.
 15

16 3. On January 5, 2011 at the hour of 11:00 AM PT, at the main entrance of the
 17 Josephine County Courthouse, located at 500 N.W. 6th Street, in the City of Grants Pass,
 18 County of Josephine, State of Oregon, I personally appeared, as the agent for the Successor
 19 Trustee, Kelly D. Sutherland, and conducted the subject Trustee's Sale. At the Trustee's
 20 Sale, Beneficial Oregon, Inc. was the successful bidder with a credit bid of \$146,015.99. A
 21 true copy of the Trustee's Sale script and sale results is attached as Exhibit "C".
 22

23 DATED this 7th day of March, 2011
 24

25 
 26 Richard Magatelli

DECLARATION OF RICHARD MAGATELLI IN
 SUPPORT OF DEFENDANT'S MOTION FOR
 SUMMARY JUDGMENT -2

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